IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

CRIMINAL APPLICATION NO. 2590 OF 2007

Nitin Laxmanrao Jadhav Patil. ... Applicant.

V/s.

1. Gajanan Prataprao Bhosale.
2. Satish Dnyanoba Bhosale.
3. Sandip Nanasaheb Pol.
4. Sandip Vilas Bhosale.
5. Vishal Prakash Bhosale.
6. The State of Maharashtra. ... Respondents.

Nitin Jamdar with V.V.Purwant for the applicant.

P.K.Dhakephalkar, senior counsel with Dilip Bodake for respondent Nos.1, 2 and 5.

V.S.Kapse for respondent Nos.3 and 4.

S.S.Pednekar, A.P.P. for respondent No.6- State.

CORAM: V.C.DAGA, J.

DATED: 1st November 2007.

P.C. :

. Heard learned counsel for the applicant, learned counsel for respondent Nos.1 to 5 and learned A.P.P. for respondent No.6- State. Perused record.

2. The applicant, who is the original complainant has moved this application for cancellation of anticipatory bail so as to arrest the respondent Nos.1 to 5 - accused.

3. The factual matrix, in brief, is that one Madan Prataprao Bhosale, who is a sitting M.L.A. representing Wai constituency is in the management of the Kisanveer Satara Sahakari Sakhar Karkhana ("said Karkhana" for short) since last about four years. The present accused are the supporters of the co-accused Madan Bhosale. The applicant has contended that during the tenure of these accused, he had noticed various activities which were detrimental to the interest of the said Karkhana. Being interested persons, he had put various questions in writing much before the annual general meeting seeking explanation from the Board of Directors of the said Karkhana headed by the present accused.

4. It is further contention of the applicant that at the time of annual general meeting of the said Karkhana, scheduled on 28th June, 2007, the co-accused Madan Bhosale, who is Chairman of the said Karkhana, started abusing the applicant and respondent No.2-accused Satish Bhosale man-handled him. Respondent

No.1- accused viz. Gajanan Prataprao Bhosale, who is real brother of the present accused, immediately, rushed to the applicant with iron rod in his hand and assaulted on the head of the applicant, due to which, applicant sustained bleeding injuries on his head.

5. The applicant was shifted to Primary Health Centre for treatment and then to Yashwant Neuro Surgery and Trama Centre, Satara. He was there for almost seven days for treatment. While under treatment, applicant lodged F.I.R. with Bhuinj Police Station on the basis of which C.R.No.93/2007 came to be registered under sections 324, 323, 504, 506 read with section 34 of Indian Penal Code against the accused.

6. The present accused and co-accused Madan Prataprao Bhosale have been granted permanent anticipatory bail by learned Session Judge, Satara vide order dated 31st July, 2007. The application moved by the present applicant being Criminal Application No.2588/2007 arising out of the same crime seeking cancellation of bail granted to co-accused-Madan Prataprao Bhosale has been partly allowed by this Court vide separate order dated 1st November,

2007 and the said accused is directed to surrender before the regular Court. He is also permitted to seek regular bail from the regular Court.

7. In view of the above order dated 1st November, 2007 and for the reasons recorded therein, which hold good even in respect of the present accused, I limit the operation of the anticipatory bail for the period of eight weeks from today and direct the present respondent Nos.1 to 5- accused to surrender before the regular Court to seek regular bail which the Court below shall be free to decide in accordance with law in the light of various cases referred to in the above order dated 1st November, 2007.

8. I make it clear that it is not necessary to repeat reasons in support of this order since I am relying on the reasons recorded by me in the case of co-accused - Madan Bhosale while deciding Criminal Application No.2588/2007. I adopt the same reasons in support of this order. I further make it clear that I did not express any opinion on the merits of the case. When the bail application would be moved in terms of section 439 of Cr.P.C. before the concerned Court, the same shall be considered in its proper perspective

in accordance with the law laid down by the Apex Court in the matter of grant of bail and importance of custodial interrogation. If the application for bail is moved, the concerned Court shall do well to dispose it of with expeditious despatch provided sufficient advance notice is given to the State and the complainant.

9. In the result, application is partly allowed in the terms of this order.

JUDGE